

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PERNOD RICARD USA, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-505 (SLR)
	)	
BACARDI U.S.A., INC.,	)	
	)	
Defendant.	)	

**NOTICE OF DEPOSITION OF DEFENDANT BACARDI U.S.A., INC.  
PURSUANT TO RULE 30(B)(6), FED. R. CIV. P.**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, plaintiff Pernod Ricard USA, LLC (“Pernod”) will take the deposition by oral examination of defendant Bacardi USA, Inc. (“Bacardi”).

The deposition will commence at 9:30 a.m. on January 29, 2008, at the Wyndham Grand Bay Hotel, 2669 S. Bayshore Drive, Miami, FL, or at such other time and place as counsel may agree.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Bacardi is required to designate one or more officers, directors, managing agents, or other persons who will testify on its behalf with respect to each of the topics set forth in the attached Schedule A. In addition, Bacardi is requested to provide plaintiff’s counsel with written notice, at least one week in advance of the deposition, of the name and title of each witness who will testify on behalf of Bacardi, and the particular topic(s) set forth in Schedule A as to which each such witness will testify.

The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths, and will continue from day to day until completed, weekends and

holidays excepted, with such adjournments as to time and place that may be necessary. The deposition will be recorded by sound, video and/or stenographic means.

You are invited to attend.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Rodger D. Smith II (#3778)*

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January 23, 2008

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## **SCHEDULE A**

### **DEFINITIONS**

Pernod incorporates by reference the Definitions set forth in Plaintiff Pernod Ricard USA, LLC's First Set Of Requests For Production Of Documents and Things (Nos. 1-27) served on July 13, 2007.

### **DEPOSITION TOPICS**

1. Consumers' perception of and reaction to Bacardi's HAVANA CLUB rum, including consumer awareness of the geographic origin of Bacardi's HAVANA CLUB rum.
2. Marketing research or other studies regarding consumers' perception of and reaction to Bacardi's HAVANA CLUB rum, including consumer awareness of the geographic origin of Bacardi's HAVANA CLUB rum.
3. Marketing research related to the development of Bacardi's HAVANA CLUB rum, including all marketing research conducted in connection with Bacardi's launch of HAVANA CLUB rum in 2006.
4. Marketing strategy for Bacardi's HAVANA CLUB rum, including information regarding the development of Bacardi's HAVANA CLUB rum packaging.
5. Bacardi employees' impressions of the design of Bacardi's HAVANA CLUB rum packaging.
6. Bacardi's sales and distribution of its HAVANA CLUB rum.
7. Bacardi's advertising and promotion of its HAVANA CLUB rum.
8. Development of Bacardi's HAVANA CLUB rum and Bacardi's claim that its HAVANA CLUB rum is based on the same recipe used for production of the HAVANA CLUB rum produced prior to 1960.

9. All facts and circumstances concerning Bacardi's assertion in its Fifth Affirmative Defense set forth in the Partial Answer of Defendant Bacardi U.S.A., Inc. to The Complaint that "the Complaint fails because it is barred by the doctrine of laches, waiver and/or estoppel."

**CERTIFICATE OF SERVICE**

I, Rodger D. Smith II, hereby certify that on January 23, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

Anne Shea Gaza, Esquire  
RICHARDS, LAYTON & FINGER, P.A.

I also certify that copies were caused to be served on January 23, 2008, upon the following in the manner indicated:

**BY HAND & E-MAIL**

Anne Shea Gaza, Esquire  
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